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Situation of human rights in Nigeria

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly an interim report on the situation of human rights in Nigeria prepared by Mr. Soli Jehangir Sorabjee, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 52/144 and Economic and Social Council decision 1998/262 of 30 July 1998.

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Annex

Interim report on the situation of human rights in Nigeria, prepared by the Special Rapporteur of the Commission on Human Rights in accordance with General Assembly resolution 52/144 and Economic and Social Council decision 1998/262

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I. Introduction

1. At its fifty-fourth session, the Commission on Human Rights adopted resolution 1998/64 of 21 April 1998 by which it extended for a further year the mandate of the Special Rapporteur as contained in its resolution 1997/53 of 15 April 1997. This mandate is to establish direct contacts with the authorities and the people of Nigeria and to report to the General Assembly and to the Commission on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information. In resolution 1998/64, endorsed by the Economic and Social Council in its decision 1998/262, the Commission requested the Special Rapporteur to report to it at its fifty-fifth session and to submit an interim report to the General Assembly at its fifty-third session. The present report is submitted in response to that request.

2. The Special Rapporteur regrets that he is unable to report his findings to the Assembly based upon a visit to Nigeria. The Special Rapporteur had hoped to carry out a fact-finding mission to Nigeria prior to the fifty-third session of the Assembly, but was unable to secure approval from the Nigerian authorities. It may be recalled that the Special Rapporteur was also unable to visit Nigeria prior to submitting his last report to the Commission on Human Rights in February 1998 (E/CN.4/1998/62). The present report is therefore based upon the analysis of information received by the Special Rapporteur from various sources.

II. Concerns of the international community

3. The priority concerns of the international community with regard to the situation of human rights in Nigeria are referred to in the resolutions which the various competent organs of the United Nations have adopted over the past years,[1] of which Assembly resolution 52/144 and Commission resolution 1998/64 are the most recent. Nigeria's obligations under the various international instruments to which it is a party are outlined in paragraph 22 of the Special Rapporteur's last report.

4. In resolution 1998/64, the Commission called upon the Government of Nigeria:

(a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them trade union leaders, human rights advocates and journalists currently detained, and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To repeal all relevant decrees which oust the jurisdiction of the courts and to ensure that the court orders are promptly and fully implemented;

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure that the treatment of prisoners and their conditions of detention are in accordance with recognized international standards;

(e) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments and to respect the decisions of the African Commission on Human and Peoples' Rights as cited by the Special Rapporteur in his report;

(f) To take concrete and credible steps to restore democratic government without delay, to end rule by decree and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission;

(g) To fulfil its obligations under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to cooperate without delay with the ILO Commission of Inquiry;

(h) To ensure the independence of the National Human Rights Commission in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134;

(i) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(j) To cooperate fully with the Commission and its mechanisms, including requests by the Special Rapporteur to visit Nigeria;

(k) To implement fully all the other recommendations of the Special Rapporteur.

III. Activities of the Special Rapporteur

5. In his report to the Commission on Human Rights the Special Rapporteur expressed deep regret that he was unable

to report to the Commission his findings based upon a visit to Nigeria, due to his inability to secure approval for such a mission from the Nigerian authorities.[2]

6. Following submission of that report and the Commission's reiteration of its request for the Government of Nigeria to cooperate fully with requests by the Special Rapporteur to visit Nigeria, the Special Rapporteur sent four communications dated 28 May, 22 June, 1 July and 8 August 1998 to the Government requesting permission to visit Nigeria in discharge of his mandate. At the time of preparation of the present report, no response to these communications had been received.

7. In view of the profound events and changes which have taken place in Nigeria since the submission of the Special Rapporteur's report to the Commission, including the deaths of head of State General Sani Abacha on 8 June and Chief Moshood Abiola on 7 July, the Special Rapporteur had sincerely hoped to visit the country before submitting the present report. The current transitional context makes it especially important to ascertain objectively the situation of human rights through an *in situ* mission. Thus, the Special Rapporteur awaited a mission to Nigeria rather than conducting other missions to neighbouring or other countries in accordance with his mandate.

8. In a letter dated 1 July 1998 to the head of State, General Abdulsalami Abubakar, the Special Rapporteur wrote:

> "Whilst I requested specific dates for a trip in my earlier correspondence, recent developments in Nigeria have alerted me to the fact that such an early visit may not be convenient for your Government. While I am flexible, I would greatly appreciate a reply to my request at your earliest convenience in order to enable me to make the necessary arrangements."

Subsequent communications have reiterated this request, but no response to any of the communications has yet been received.

9. By written communication dated 18 August, the Special Rapporteur sought relevant information on various specific aspects of the human rights situation in Nigeria. Unfortunately, the Nigerian authorities have neither acknowledged nor responded to that communication.

10. Since his report to the Commission, the Special Rapporteur also addressed urgent action communications to the Nigerian Government on behalf of 157 individuals. No response was received to any of the communications.

11. Owing to the current fluid situation in Nigeria and the lack of an *in situ* mission by the Special Rapporteur, the present report will concentrate on several of the changes which have occurred in Nigeria since the last report as well as criteria which should be met in order to lend credibility to the process of transition to a civilian Government and respect for human rights and the rule of law.

12. In preparing his report, the Special Rapporteur consulted several sources of information, including the Government of Nigeria, individuals, non-governmental organizations (NGOs), intergovernmental organizations, individual communications addressed to the Special Rapporteur, documents and reports provided by governmental and non-governmental organizations, the Nigerian and international media, and communications to the Nigerian Government addressed by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of opinion and expression, and the Chairman-Rapporteur of the Working Group on Arbitrary Detention.

IV. Political changes since the Special Rapporteur's last report

13. Following the sudden death on 8 June 1998 of the Nigerian head of State, Sani Abacha, the Provisional Ruling Council appointed General Abdulsalami Abubakar as head of State on 9 June. In his first speech, on the same day, General Abubakar stated that Nigeria would honour all its international obligations and maintain its commitment to international peace and security. He appealed to the international community for understanding and cooperation, and stated that Nigeria remained an important member of the international system within the framework of the United Nations. He issued an invitation to all Nigerians in exile to return to contribute to the process of reconstruction, reconciliation and the conclusion of the transition programme.

14. In the middle of General Abubakar's efforts to release prominent political prisoners, on 8 July, Chief Moshood Abiola, the presumed winner of the 12 June 1993 presidential elections, suddenly died while in detention. Alleged efforts to release Chief Abiola were thus tragically overtaken.

15. General Abubakar has outlined a plan to restore civilian rule to the country by the end of May 1999 and has taken steps to lay the foundations of a truly representative Government. He has dissolved Nigeria's five State-

sanctioned political parties and cancelled the elections held under General Abacha. He disbanded the National Electoral Commission (NECON) and the Transition Implementation Committee (TIC) and the Committee on Devolution of Power between Federal States and Local Governments and established an Independent National Electoral Commission (INEC). General Abubakar ruled out standing as a candidate in the presidential elections scheduled for 27 February 1999, and stated "this administration has no desire whatsoever to succeed itself and is steadfastly committed to an expeditious hand-over to a democratically elected Government."[3] He invited international observers, particularly from the United Nations, the Commonwealth, the Organization of African Unity, and other relevant organizations to observe every stage of the elections. The Federal Executive Council was dissolved on 8 July and reconstituted on 20 August.[4] General Abubakar stated that his administration would remove all restrictions on freedom of association, accomplish the democratization of labour movements, allow non-governmental organizations to function freely, and embark upon an extensive prison reform with a view to relieving overcrowding in prisons and providing a more humane atmosphere for inmates. He pledged that his administration would release all political detainees and withdraw all charges against political offenders.[5] These measures seem to have resulted in a much less tense political environment than even two months ago. General Abubakar has welcomed several visits to Nigeria including that of the United Nations Secretary-General and the Secretary-General of the Commonwealth, as well as an ILO Direct Contacts Mission (see para. 33 below).

16. In his letters to the Government, the Special Rapporteur expressed his appreciation for the measures taken by General Abubakar as important first steps in what is hoped will be a rapid transition to civilian rule and democracy. The Special Rapporteur expressed his full support to the Government in the important process of building a peaceful and stable Nigeria rooted in the rule of law, democracy, and respect for human rights. The Special Rapporteur believes, however, that certain criteria must be met for a meaningful transition to a civilian Government in order to convince the international community that Nigeria is truly committed to respect for human rights and the rule of law.

17. The Special Rapporteur expresses his appreciation for the decision taken by the Government of Nigeria on 8 September 1998 to release the 20 detainees from Ogoni. This is another instance of General Abubakar's commitment to restore the rule of law.

18. The Special Rapporteur trusts that positive steps such as this will contribute to increasing the general level of individual freedoms of expression and association, among others, and that they are genuine signs that respect and protection of human rights in Nigeria will be on the list of the new leadership's priorities.

V. Observations regarding the current human rights situation

A. Constitutional guarantees

19. As the Special Rapporteur observed in his report to the Commission, no constitutional guarantees currently exist for the protection of the rights and freedoms of the Nigerian people, the Constitution (Suspension and Modification) Decree No. 107, which, when read with other decrees, restores the 1979 Constitution while suspending the application of its human rights provisions.[6] The said decree also excludes the jurisdiction of the courts. Furthermore, while provisions of the African Charter were incorporated into the domestic law of Nigeria by the Act of 1983 (African Charter Ratification and Enforcement Act), subsequent decrees, including the Political Parties (Dissolution) Decree No. 114 of 1993, have suspended the effects of this act in particular cases.

20. It must nevertheless be noted that General Abubakar has promised to publish and circulate the 1995 draft constitution, which is to form the constitutional framework in the post-transition period starting 29 May 1999. In this regard, General Abubakar stated that the National Constitutional Conference, which took place between 1994 and 1995, has produced a "good draft constitution", which will be widely circulated "prior to consideration and approval by the Provisional Ruling Council".[7] The Special Rapporteur believes that the promulgation of the constitution should involve representatives of a broad cross-section of civil society, of which the military is a component, rather than be entrusted to the Provisional Ruling Council, a military entity. Such a process would enhance its democratic legitimacy. The importance of a genuine, transparent, democratic and widely participatory process of constitution-making is apparent given the antecedents of the Abacha regime.[8]

B. Independence of the judiciary

21. The situation cited by the Special Rapporteur in his last report is substantially unchanged. The independence of the judiciary is still undermined by the existence of ouster clauses contained in a number of decrees. The Special Rapporteur recalls that the African Commission on Human and Peoples' Rights, in its decision in *Civil Liberties Organization v. Nigeria*, held that Decree No. 107 constituted a breach of articles 7 and 26 of the African Charter on Human and Peoples' Rights, observing that "the ousting of jurisdiction of the courts of Nigeria over any decree enacted in the past 10 years, and those to be subsequently enacted, constitutes an attack of incalculable proportions on article 7. (...) An attack of this sort on the jurisdiction of the courts is especially invidious, because while it is a violation of human rights in itself, it permits other violations of rights to go unredressed".[9]

C. Right to liberty and security of person

22. The Special Rapporteur commends General Abubakar's decision to release political prisoners,[10] many of whose cases were the subject of urgent appeals sent by the Special Rapporteur to the Government of Nigeria. The recommendation for the release of political detainees and all persons detained without trial has been repeatedly made by the Secretary-General's fact-finding mission, the Human Rights Committee, the Commonwealth Ministerial Action Group on the Harare Declaration, the General Assembly and the Commission on Human Rights. While a number of political prisoners, human rights advocates, trade union leaders and journalists have been released, others are reported to remain in custody, although the Comptroller-General of Nigerian Prisons, Alhaji Ibrahim Jarma, has said, "as far as I am concerned all those who are supposed to be released have been released."[11]

23. In his communication of 18 August 1998 to the Government, the Special Rapporteur requested information regarding any political prisoners, trade union leaders, human rights advocates and journalists who may still be in detention without charge or trial. Having received no response, the Special Rapporteur is concerned by reports that several such persons still remain incarcerated.

24. Persons still reported to be in custody include the 20 suspected supporters of the Movement for the Survival of the Ogoni People (MOSOP) who have been detained since 1994 and 1995 on the same charges for which Ken Saro-Wiwa and his co-defendants were executed in December 1995. It is not clear why the 22 May 1998 decision by the Federal High Court in Port Harcourt to grant bail to 15 of the 20 was not respected. The Special Rapporteur is concerned that these individuals may be tried by the same tribunal which sentenced Ken Saro-Wiwa and others, and in connection with similar facts and following the same flawed procedure which falls short of international standards and which would consequently be in violation of article 7 (a), (c) and (d) of the African Charter as decided by the African Commission on Human and Peoples' Rights (see para. 21).

25. Several journalists are also reported to be detained. The Special Rapporteur sent a joint urgent communication to the Government of Nigeria on 8 June 1998 on behalf of one such case, along with the Special Rapporteurs on the independence of judges and lawyers, the right to freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention. No response to this communication was received and the journalist reportedly still remains in detention.

D. Right to a fair trial

26. Tribunals established by decree bypass the regular judicial system and seriously undermine the integrity of the judicial process, often resulting in denial of due process and violating article 14 of the International Covenant on Civil and Political Rights and article 7 of the African Charter guaranteeing right to a fair trial. One such tribunal, established under the Civil Disturbances (Special Tribunal) Decree No. 2 of 1987, tried Ken Saro-Wiwa and the eight other Ogonis executed on 10 November 1995. Its defects were recorded in the report of the Secretary-General's fact-finding mission (A/50/960, annex I, paras. 40–55). That such tribunals are not impartial and lack the requirement of independence has been affirmed by two decisions of the African Commission. The Secretary-General's fact-finding mission recommended that the Government of Nigeria repeal the Civil Disturbances (Special Tribunal) Decree so that offences of this type are tried by the ordinary criminal courts.

27. The Special Rapporteur welcomes the release of several prisoners who were serving sentences after trial by military tribunals and by processes which fell short of international fair trial guarantees. Yet he remains concerned that others convicted in connection with the alleged 1990, 1995 and 1997 coup plots are still incarcerated. These individuals should either be retried before independent tribunals which adhere to international norms of due process or released unconditionally. This recommendation also

applies to General Oladipo Diya and the military and civilian prisoners convicted for the alleged 1997 coup plot whose death sentences were commuted and prison sentences reduced in July 1998 by the Provisional Ruling Council.

E. Right to life

28. As noted by the Human Rights Committee, the number of death sentences imposed and carried out in Nigeria has been very high.[12] Though Nigeria has not abolished the death penalty, the Special Rapporteur has not received reports of executions by the present Government. Yet the Special Rapporteur has received allegations of continued death sentencing following trials which fall short of international standards regarding fair trial. The Jigawa State Robbery and Firearms Tribunal is reported to have recently sentenced four persons to death by a firing squad. The convicts were allegedly charged with an armed robbery committed on 1 April 1994. The sentence is subject to confirmation by the state military administrator. Judges on tribunals established under the Robbery and Firearms Decree (Special Provisions) Decree No. 5 of 1984 are appointed by military authorities and do not have the requisite independence and impartiality. Furthermore, there is no right of appeal. Even where a right of appeal is provided, the confirmation or otherwise of the sentence is not entrusted to a judicial tribunal. Under article 6 of the International Covenant on Civil and Political Rights, sentence of death may be imposed only for the most serious crimes.

29. The Human Rights Committee in its concluding observations on Nigeria recommended, *inter alia*, that Nigeria "consider the abolition of the death penalty. Until its abolition, the State party must ensure that the application of the death penalty is strictly limited to the most serious crimes, as required by article 6, paragraph 2, of the Covenant, and that the number of crimes for which the death penalty is imposed be reduced to the minimum" (A/51/40, para. 297). In resolution 1998/8 of 3 April 1998, the Commission on Human Rights called upon all States that still maintain the death penalty to establish a moratorium on executions, with a view to completely abolishing the death penalty.[13]

F. Freedom of assembly and association

30. The head of State has broken from a history of constraint on organized labour and professional associations by repealing restrictive trade union decrees, including Decrees No. 9 and 10 of 1994 and Decree No. 24 of 1996. This initiative will remove the sole administrators of the Nigeria Labour Congress (NLC) and the oilworkers' unions, the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Associations (PENGASSEN), and should restore the unions' freedom to reconstitute their national councils. The Government has stated that "the repeal is in line with government policy to unfetter the unions in order to prepare the environment for their democratization. The objective is to ensure a smooth and peaceful transition from regulated to deregulated trade union activities in Nigeria."[14] This repeal has yet to be fully implemented as is apparent from the 14 August statement of the Secretary to the Government of the Federation, Mr. Alhaju Gidado Idris, that the sole administrators appointed under the repealed decrees would, for the time being, continue to oversee only the administrative functions and not the trade union affairs of the above-mentioned unions until the "machinery for taking-over is put in place". He further stated, "this, Government assures the unions, will be soon".[15]

31. The Special Rapporteur hopes that the Government will review those trade union decrees which still remain in force including Decree No. 4 (which ordered the merging of NLC affiliates from 41 industrial unions to 29 unions and made it a criminal offence for any union other than the 29 listed in the decree to belong to the NLC), Decree No. 26 of 1996 (which restricts those who can be elected to union office to union members employed in the industry or sector the union represents), and Decree No. 29 of 1996 (which annulled existing international affiliation and made all international affiliation subject to prior government approval).

32. An ILO Direct Contacts Mission travelled to Nigeria from 17 to 21 August to discuss problems relating to trade union rights and freedom of association. The mission took place at the invitation of the Government of Nigeria, following the presentation of two complaints[16] to the ILO since 1994 relating to the arrest of a number of trade unionists and the promulgation of decrees contrary to the principles of freedom of association and the right to organize. The ILO Governing Body had decided at its June 1998 session, in light of the important developments in Nigeria, to suspend the activities of a formal Commission of Inquiry in order to give the Government the opportunity of receiving the Direct Contacts Mission within 60 days. The Mission carried out a series of meetings with representatives of Government and employers' and workers' organizations, and its report will be considered by the Governing Body at its next session in November 1998.[17]

G. Right to dignity and humane treatment while in detention

33. Since the last report of the Special Rapporteur, it appears from the information received that no real change has occurred in conditions of detention which still are not in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The dismal prison conditions in Nigeria have recently been brought to light by accounts of former political prisoners, virtually all of whom report having been subjected to inhumane conditions and denied access to their families, lawyers and doctors. The Special Rapporteur has also received reports of torture and other cruel, inhuman or degrading treatment. Several Nigerians have called upon the Government to permit access to some of the detention centres, particularly the Directorate of Military Intelligence (DMI), Apapa Lagos, the Federal Investigations and Intelligence Bureau (FIIB), Alagbon Close and Ikoyi detention centres, as well as reportedly numerous secret detention centres scattered all over the country.

34. Extremely poor conditions of detention have been aggravated by delays in persons being brought before a court as well as in their appeals against sentences being heard. Several condemned persons in prisons in Enugu have reportedly made an appeal to the head of State to intervene over the delay in hearing their appeal against their sentences. They claim that their lengthy prison confinement constitutes an infringement on their fundamental right to be protected against torture and inhuman and degrading treatment or punishment. The applicants are also requesting the commutation of their death sentences to terms of imprisonment.

35. It is hoped that General Abubakar's pledge of extensive prison reform and provision of a more humane atmosphere for detainees will soon be implemented in earnest and that the Government will permit neutral observers and special rapporteurs full access to places of detention to assess actual conditions. Initiatives such as the training workshop organized by the National Human Rights Commission at the Prison Staff College, Kakuri-Kaduna, in August 1998 are to be commended and supported. In a keynote address to this workshop, the Comptroller-General of Nigerian prisons, Mr. Alhaji Ibrahim Jarma, listed measures that could relieve overcrowding of the prisons including construction and modernization of prisons, reduction in the length of sentences, substitution of measures not involving deprivation of liberty for certain prison sentences, and facilitating pre-trial release or by increased use of bail. The executive secretary of the National Human Rights Commission, Dr. Muhammad Tabi'u, stated that efforts should be made to train and retrain officers and warders and improve facilities for vocational training of inmates. It is also hoped that the earlier recommendations of the National Human Rights Commission of Nigeria to establish committees to study prison conditions will be implemented.

36. National legislation still exists in Nigeria whereby a child may be detained and indiscriminately sentenced for indeterminate periods, in violation of article 37 (b) of the Convention on the Rights of the Child, which Nigeria has ratified. The Committee on the Rights of the Child, in its concluding observations (CRC/C/15/Add.61) on Nigeria's initial State party report (CRC/C/8/Add.26), also expressed concern at the inadequacy of safeguards for all children who are detained by legal authorities, the conditions of places of detention for children including the lack of medical services, and the lack of services for the recovery and rehabilitation of children who come into conflict with the law (see para. 47 below).

H. Right of every citizen to vote and be elected at genuine periodic elections

37. A democratic Government, with the assurance of free and fair elections, is itself an essential element in the full enjoyment of a wide range of human rights and fundamental freedoms.[18] The right to take part in government is proclaimed and guaranteed, *inter alia*, by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the African Charter of Human and Peoples' Rights.[19]

38. In order for the Nigerian transition process to be credible, elections must respect a certain number of benchmarks. Article 25(b) of the International Covenant on Civil and Political Rights states that elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. One of the hallmarks of free and fair elections is the establishment of an independent electoral commission. The credibility of the electoral commission in the Nigerian context is all the more crucial given that such bodies have in the past played a key role in failed attempts at returning the country to democracy.[20] The Special Rapporteur commends the 6 August appointment by the Provisional Ruling Council of a new electoral commission to oversee the planned transition to civilian rule, through the

registration of political parties, registration of voters and conduct of elections. The 10-member Independent National Electoral Commission (INEC), chaired by former Supreme Court Justice Ephraim Akpata, replaces the National Electoral Commission (NECON) dissolved by General Abubakar in June 1998. It announced its guidelines on 25 August 1998 including an election timetable: 27 February 1999 has been earmarked as the date for presidential elections, with elections to the National Assembly scheduled for 20 February and gubernatorial and state elections for 9 January. Local council elections are to take place on 5 December 1998. The Special Rapporteur hopes that throughout the electoral process, the INEC will be ensured its full independence including sole authority for hiring its staff and employees, guaranteed financial autonomy, full power to control elections at all levels, and all technical assistance or expertise which may be necessary.

39. In addition to being a human right in itself, the right of citizens to take part in the conduct of public affairs through elections, in order to be exercised meaningfully, requires the enjoyment of a number of other internationally protected rights. Among these are the rights to freedom of expression, opinion and association, and the rights to peaceful assembly and freedom from fear and intimidation. In this regard, the invitation for international observation of all stages of the elections extended by General Abubakar will contribute to the transparency and credibility of the electoral process.

I. Economic, social and cultural rights

40. The Committee on Economic, Social and Cultural Rights considered Nigeria's initial report (E/1990/5/Add.31) at its eighteenth session in April/May 1998 and in its concluding observations (E/C.12/1/Add.23) noted with concern that due to economic and administrative mismanagement, corruption, runaway inflation and the rapid devaluation of the Naira, Nigeria now ranks among the world's 20 poorest countries. The Committee was greatly disturbed that 21 per cent of the population of Nigeria lives below the poverty line in spite of the country's rich natural resources.

41. The Committee further noted with concern that gross under-funding and inadequate management of health services led during the last decade to rapid deterioration of health infrastructures in hospitals.

42. The Committee noted with alarm the extent of the devastation that oil exploration had caused to the environment and the quality of life in areas such as Ogoniland where oil had been discovered and extracted without due regard for the health and well-being of the people and their environment.

43. Protection of economic, social and cultural rights is clearly lacking in Nigeria. It is imperative that the concerns of the Committee be addressed in order to fulfil the pledge of restoration of democracy and respect for human rights. General Abubakar announced on 20 July a major programme to respond to the serious social and economic problems of Nigerians, stemming from his administration's stated intention to take "urgent and decisive steps to bring relief to our people".[21]

J. Women's rights

44. Female genital mutilation is reportedly still practised extensively in many parts of Nigeria. According to UNICEF, the prevalence of female genital mutilation in Nigeria is estimated to be 50 per cent of the female population. The Committee on Economic, Social and Cultural Rights deplored the failure of the Government of Nigeria to abolish the practice, which constitutes a violation of the human rights of women, in particular the right to health.[22] The Commission on Human Rights, in resolution 1998/52, called upon States to "eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and that are violations of human rights and fundamental freedoms of women through the development and implementation of national legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness-raising programmes, education and training". The Committee on the Rights of the Child has expressed its concern at the continuation of the practice of female genital mutilation in Nigeria and the insufficient measures being taken by the Government to address the practice (see CRC/C/15/Add.61, para. 15). Government officials have supported a campaign against the practice, and in February 1997 the Minister of Health announced the establishment of a 25-person committee to study the issue.

45. Marital rape is unrecognized by law in Nigeria, and under the law a man who inflicts extensive bodily harm on his wife while forcibly having sex with her is punished not for a sexual offence, but rather for an ordinary assault. According to Nigerian law, the maximum punishment for rape is life imprisonment. However, victims are not granted anonymity during prosecutions, and media attention and social stigma reportedly dissuade most victims from reporting.

46. The Committee on Economic, Social and Cultural Rights condemned the continuing existence of legal provisions which permit the beating ("chastisement") of women by their husbands, and noted with concern that polygamy, a practice which is very often incompatible with the economic, social and cultural rights of women, is widespread in Nigeria. The Committee expressed its deep concern about the rising number of homeless women and young girls, who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence (E/C.12/1/Add.23, para. 23).

K. Children's rights

47. The Special Rapporteur is concerned that several provisions of the Convention on the Rights of the Child, particularly those relating to the administration of juvenile justice and the institutionalization of children, are violated in Nigeria. The Committee on the Rights of the Child expressed concern that the provision of national legislation whereby a child may be detained in Nigeria may permit the indiscriminate sentencing of children for indeterminate periods in violation of article 37 (b) of the Convention, which establishes that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate period of time (CRC/C/15/Add.61, para. 21). The imposition of the death penalty on persons under 18 years of age constitutes a clear violation of article 6 (5) of the International Covenant on Civil and Political Rights and article 37 (a) of the Convention on the Rights of the Child.

48. Abuses of children's rights also result from the myriad socio-economic pressures in the life of the average Nigerian (see paras. 39–42 above). The Committee on Economic, Social and Cultural Rights noted that according to the World Bank, at least 17 million Nigerians are undernourished, many of whom are children (E/C.12/1/Add.23, para. 26). The Committee equally noted that many children resort to prostitution to nourish themselves. The rate of school drop-outs at the primary school age is over 20 per cent. Child labour is widely reported, with 12 million children holding jobs. According to reports by UNICEF, a marked reduction in school-age children attending school has resulted from drastically increased primary and secondary school fees. For those children able to attend school, 80 or more of them are often crammed into dilapidated classrooms meant for a maximum of 40. Most alarming is the widespread problem of children suffering from malnutrition. Almost 30 per cent of Nigerian children suffer from malnutrition and its damaging consequences (see E/C.12/1/Add.23).

49. The Special Rapporteur takes note of the Government of Nigeria's elaboration of a National Child Plan of Action following the commitments made in connection with the World Summit for Children, and hopes that this Plan will soon be implemented and that the National Child Rights Implementation Committee established in 1994 will soon be in a position to carry out its projected activities of ensuring the popularization of the Convention on the Rights of the Child and the Charter on the Rights and Welfare of Children of the Organization of African Unity (OAU); reviewing the state of implementation of the Convention; developing specific programmes to enhance the status of the Nigerian child; and collecting data on the implementation of the rights of the child.

L. The National Human Rights Commission

50. The stated objective of the National Human Rights Commission, inaugurated on 17 June 1996, is to deal with all matters relating to the protection of human rights. The Commission's Chair is Justice P. K. Nwokedi, a retired Supreme Court Justice. While the Commission's recommendations are not binding upon the Government, it has undertaken several important initiatives including a study of prison conditions[23] and the conduct of human rights promotional activities in conjunction with NGOs.

51. A training seminar entitled "Police Powers and Responsibilities/The Rights and Duties of the Citizens" was organized on 28 and 29 July 1998 in Abuja by the National Human Rights Commission in collaboration with the NGO Constitutional Rights Project and the Nigerian Police Force.[24] The Commission also conducts a weekly human rights education radio programme with the Constitutional Rights Project entitled "Your rights and duties". In August 1998, the Commission, with the support of the International Committee of the Red Cross, also organized a training workshop for senior prison staff at Prison Staff College, Kakuri-Kaduna. The executive secretary of the Commission, Dr. Muhammad Tabi'u, stated that the workshop was an important part of efforts necessary for the training and retraining of officers and warders and the improvement of facilities for vocational training of inmates. Regarding the Commission's human rights promotional activities, Dr. Tabi'u explained that the Commission in its plan of action has targeted the general public as well as schoolteachers, community leaders, the youth and the mass media for human rights education. The Commission has been able to initiate

a constructive dialogue on human rights issues facing Nigeria. It is hoped that its recommendation to introduce human rights education courses in schools and in police and law enforcement agencies shall soon be implemented.

52. A delegation representing the National Commission on Human Rights participated in the second Conference of African Human Rights National Institutions for the Promotion and Protection of Human Rights in Durban, South Africa, from 30 June to 3 July 1998, and supported the Durban Declaration. The Declaration, *inter alia*, reaffirmed the importance of the Universal Declaration of Human Rights and other international and regional human rights instruments; recognized the importance of establishing properly resourced national institutions for the promotion and protection of human rights in Africa and facilitating regional cooperation among African national institutions; and emphasized the importance of the Paris principles relating to the status of national institutions, and, in particular, national institutions' conformity with the standards prescribed for independence, pluralism and effectiveness. While it is still too early to make an informed assessment of its effectiveness, the Commission has taken several significant steps and, if it discharges its functions in an independent manner, it should gain credibility with the people of Nigeria and play an important role in the transition to civilian rule and the promotion and protection of human rights.

VI. Conclusions and recommendations

A. Conclusions

53. Recent developments in Nigeria since the change in leadership that took place on 9 June 1998 represent an opportunity to break with the past and usher in a new era of civilian democratic rule. Nigeria's authorities have an opportunity to embark on a process of transition through broad consultation and full respect for fundamental rights and freedoms, as pledged by General Abubakar in his statement of 20 July 1998.

54. General Abubakar pledged his commitment to respect, among others, the freedoms of expression, assembly and association and to allow non-governmental organizations and other associations to function freely within the law. He has outlined a political programme to culminate in the handing over to a democratically elected civilian administration by 29 May 1999. These measures seem to have resulted in a much less tense political environment than that which prevailed when General Abacha was head of State.

55. The conduct of free and fair elections will be a crucial element in the continuum of progress towards implementation of the transitional programme for return to civilian rule. In this regard, several important steps have already been taken, including the dissolution of Nigeria's five State-sanctioned political parties, the annulment of elections held under General Abacha, the disbanding of the five transition agencies under General Abacha's transition programme, and the establishment of an Independent National Electoral Commission to oversee elections. International observers have been invited to monitor all stages of the election process. Yet, in order for elections to be meaningful, the enjoyment of a number of other internationally protected rights must be assured.

56. While the Nigerian Government has released several political prisoners, trade union leaders, human rights advocates and journalists, others are still in detention, including those convicted in connection with the alleged 1990, 1995 and 1997 coup plots. Requests for the release of all political prisoners have been made by the United Nations General Assembly, the Commission on Human Rights, the Secretary-General's fact-finding mission, the Human Rights Committee and the Commonwealth Ministerial Action Group on the Harare Declaration. In this regard, the Special Rapporteur welcomes the release of the Ogoni Twenty.

57. The current administration has broken with a history of constraint on organized labour and professional associations by repealing restrictive trade union decrees, including Decrees No. 9 and 10 of 1994 and Decree No. 24 of 1996. Yet several restrictive trade union decrees still remain in force, including Decrees No. 4, 26 of 1996 and 29 of 1996.

58. The Nigerian legal system currently does not provide effective protection of human rights, owing to the suspension of the human rights provisions of the 1979 Constitution currently in force. While General Abubakar has promised to publish and circulate the 1995 draft constitution, which is to form the post-transitional constitutional framework, he has indicated that the promulgation of the constitution will be entrusted to the Provisional Ruling Council, a military entity.

59. Rule of law is still not established in Nigeria. The independence and authority of the judiciary are undermined by clauses in executive decrees which oust the jurisdiction of the courts. Such clauses also preclude the granting of relief in respect of human rights violations.

60. The right to liberty and security of the person is not protected owing to Decree No. 2 of 1984, under which individuals may be detained indefinitely. No safeguards are

provided against the abuse of power of detention, nor does an effective or efficacious remedy in respect of arbitrary detentions exist. The review panel is an ad hoc body whose members are appointed by the executive and whose recommendations are not binding upon the Government. It lacks the requirements of independence and impartiality and provides no meaningful relief to those who have been illegally detained.

61. Despite the recommendations of the Secretary-General's fact-finding mission and the decisions of the African Commission on Human and Peoples' Rights, no qualitative changes have been made in the composition of tribunals or the processes to be employed by them in order to conform to article 14 of the International Covenant on Civil and Political Rights and article 7 of the African Charter.

62. While General Abubakar has stated his administration's intention to undertake extensive prison reform and to provide a more humane atmosphere for detainees, prison conditions are still extremely harsh and do not conform to the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners. Torture and other cruel, inhuman or degrading treatment and punishment are still reported.

63. The violation of women's rights continues both in law and in practice. Discrimination is prevalent in the public and private spheres and the practice of female genital mutilation is still widespread.

64. Provisions of the Convention on the Rights of the Child are not respected, particularly in the areas of the administration of juvenile justice and economic, social and cultural rights.

65. The National Human Rights Commission has continued to undertake activities to promote and protect human rights despite its limited resources and independence. The Commission is one of the mechanisms in existence which, if strengthened, could contribute meaningfully to building a culture of human rights in Nigeria. It would also be in a position to play a role in the projected prison reform programme.

66. While the Government has allowed several high-level visits and missions into the country since the change in leadership, it has yet to allow the present Special Rapporteur to visit the country in discharge of his mandate. Such cooperation on the part of the Government would demonstrate the authorities' determination to work together with the United Nations system.

B. Recommendations

67. The Special Rapporteur has expressed his full support to the Government of Nigeria in the important process of building a peaceful and stable Nigeria rooted in the rule of law, democracy, and respect for human rights. The Special Rapporteur believes, however, that certain criteria must be fulfilled for a meaningful transition to a civilian Government and for the Government of Nigeria to demonstrate to the international community that it is truly committed to respect for human rights and the rule of law.

68. The Government should strive to ensure that all stages of the electoral process conform to international standards on the enjoyment of universal and equal suffrage guaranteeing the free expression of the will of the electors. The credibility, integrity and autonomy of the Independent National Electoral Commission must therefore be guaranteed. The Commission should be accorded full independence in practice, including the sole authority for hiring its staff and employees, guaranteed financial autonomy through specific guidelines, and the power to control elections at all levels.

69. The Special Rapporteur welcomes the invitation for international observers to monitor all stages of the elections and calls upon the international community to react positively to this invitation and to any other requests for technical assistance or expertise at any stage of the electoral and transitional processes.

70. In order for elections to be free and fair, the Government will have to fully respect the rights to freedom of opinion, expression and association, freedom of the press, and the right to peaceful assembly, as set out in the International Covenant on Civil and Political Rights. The current restrictions on the above freedoms should be removed by repealing or amending the relevant decrees in force so as to allow criticism and expression of dissent. The remaining restrictions on trade unions and professional associations which erode their autonomy should equally be removed.

71. All political prisoners, trade union leaders, human rights advocates and journalists currently being detained without charge or trial should immediately be released. Those convicted in connection with the alleged 1990, 1995 and 1997 coup plots and still incarcerated should either be retried before independent tribunals which adhere to international norms of due process or released unconditionally. This is an essential confidence-building measure, vital for the democratization process and for

imparting credibility to the process of transition to civilian rule.

72. All persons serving sentences after trial by military tribunals and by processes which fell short of international guarantees for a fair trial should be released. In the alternative, they should be released on bail and retried before an independent court or tribunal whose proceedings conform to international norms of due process.

73. All decrees which suspend the human rights provisions in the current constitutional framework (the 1979 Constitution) should be repealed. The importance of a genuine, transparent, democratic and widely participatory constitution-making process can hardly be overemphasized given the antecedents in Nigeria. The promulgation of the constitution should thus involve representatives of a broad cross-section of civil society, of which the military constitutes only one of the components, rather than being left to the Provisional Ruling Council, a military entity. Such a process would enhance its democratic legitimacy.

74. All decrees which oust the jurisdiction of courts in matters involving life and liberty of the person should be repealed. State Security (Detention of Persons) Decree No. 2 of 1984 should be repealed.

75. Determination of the rights and obligations of persons and in particular the determination of any criminal charge against a person should be made by regular courts of law. All legal proceedings must be conducted in public before independent courts whose proceedings conform to international norms of due process.

76. Confirmation or reversal of conviction and sentence should be entrusted to the Nigerian Court of Appeal instead of the President of the Provisional Ruling Council and an appeal to the Supreme Court of Nigeria should be provided.

77. Nigeria should establish a moratorium on executions, with a view to completely abolishing the death penalty. In the alternative, imposition of the death penalty should occur only in strict compliance with article 6 of the International Covenant on Civil and Political Rights, and in no circumstances be carried out on persons under 18 years of age.

78. Prison conditions should be redressed as a matter of urgency and international observers should be provided access to detention centres. Immediate measures should be adopted to ensure that the conditions of detention fully comply with article 10 of the International Covenant on Civil and Political Rights, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners. General Abubakar's pledge of extensive prison reform and provision of a more humane atmosphere for detainees should be implemented soon.

79. Steps should be taken to ensure full and equal enjoyment by women of the rights and freedoms guaranteed by the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women and their equal participation should be encouraged at all levels of political, social and economic life of the country. Laws contrary to the equal rights of women should be repealed. Urgent measures should be adopted to curtail the practices of female genital mutilation and forced marriage.

80. Urgent steps should be taken to ensure compliance with the provisions of the Convention on the Rights of the Child. Immediate measures should be initiated to strengthen safeguards for children in detention, particularly in respect of their recovery and rehabilitation.

81. The recommendations of the Secretary-General's fact-finding mission, the Human Rights Committee as contained in its concluding observations, and the Committee on Economic, Social and Cultural Rights as contained in its concluding observations should be promptly and fully implemented.

82. The Government should ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

83. The Nigerian National Human Rights Commission should be adequately resourced and its independence respected by Government. It should be strengthened by expansion of its powers and jurisdiction to cover all cases of violations of human rights, notwithstanding the ouster clauses in the relevant decrees. Security of tenure should be guaranteed to the Chairman and members of the Commission and the Commission should be encouraged in its efforts to work closely with NGOs in its activities to promote and protect human rights.

84. The Government should extend its cooperation to the present Special Rapporteur of the Commission on Human Rights to undertake a mission to Nigeria in the exercise of his mandate before the preparation of his next report for the fifty-third session of the Commission on Human Rights.

Notes

[1] General Assembly resolutions 50/199 and 51/209; Commission on Human Rights resolutions 1996/79 and 1997/53.

[2] It may be recalled that the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye, and the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, were unable to visit Nigeria pursuant to resolution 1996/79 of the Commission on Human Rights because the Nigerian Government did not agree to their standard terms of reference. See E/CN.4/1997/62/Add.1, sect. I.

[3] *Address to the Nation by the Head of State, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria, His Excellency General Abdulsalami Abubakar on 20 July 1998*, note verbale No. 205/98 from the Permanent Mission of Nigeria to the United Nations Office at Geneva addressed to all permanent missions and international organizations in Geneva, 22 July 1998.

[4] On 20 August, General Abubakar announced the membership of the new Federal Executive Council and assigned portfolios to individual ministers on 22 August. This 31-member Cabinet replaces the late General Abacha's Cabinet, of which only nine ministers were retained. It would seem that a genuine effort was made by General Abubakar to adhere to his intention to "reflect the various shades of political opinion across the land" in the membership of the new Cabinet. Ibid.

[5] Ibid. General Abubakar stated before the South African Parliament on 25 August, "We have now unequivocally chosen democracy as our preferred option of governance, ... The renewed commitment of Nigeria to democracy, respect for the rule of law, human rights and the equality of all gives us the confidence that the programme of transition to civil and democratic rule which we have just announced will be successfully concluded by May 29, 1999."

[6] Such provisions broadly guaranteed the rights as set out in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. In this connection, the Human Rights Committee recognized in its concluding observations the "fundamental inconsistencies between the obligations undertaken by Nigeria to respect and ensure rights guaranteed under the Covenant and the implementation of those rights in Nigeria", *Official Records of the General Assembly, Fifty-first Session, Supplement No. 40* (A/51/40), vol. I, para. 259.

[7] *Address to the Nation*, op. cit.

[8] The democratic legitimacy of the Conference which generated the 1995 constitution has been widely questioned, as a large number of its members were nominees of the Abacha Government. The text of the 1995 constitution was circulated only to a restricted number of persons.

[9] *Human Rights Law Journal*, vol. 18, No. 1-4, 1997, p. 36.

[10] On 15 June 1998, General Abubakar released an initial group of nine prominent political prisoners, including General Olusegun Obasanjo, Sultan Ibrahim Dasuki, Mr. Chris Anyanwu, Dr. Beko Ransome-Kuti, Mr. Frank Kokori and Chief Bola Ige. On 26 June 1998, another 17 prominent prisoners were released, including Chief Olu Falae, Alhaji Abubakar Rimi and Mr. Olisa Agbakoba. On 15 July 1998, General Abubakar released ordinary prisoners who had completed their sentences, including 362 ordinary prisoners who had been tried by Miscellaneous Offences Tribunals. On 20 July, General Abubakar announced that his administration "shall release all political detainees" and "withdraw all charges against political offenders". *Address to the Nation*, op. cit.

[11] Statement on 11 August at the Prison Staff College, Kakuri-Kaduna, at a training workshop organized by the National Human Rights Commission for senior prison staff.

[12] It may be recalled that the Special Rapporteur on extrajudicial, summary and arbitrary executions communicated his concern to the Government regarding 43 persons who were allegedly publicly executed in Lagos on 22 July 1995 following proceedings which fell short of international standards. The Government responded that the persons concerned had been found guilty of armed robbery, and that 38 had been tried and sentenced by the Lagos Armed Robbery and Firearms Tribunal (see E/CN.4/1998/68/Add.1, para. 301).

[13] Resolution 1998/8 also calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. The resolution further urges all States that still maintain the death penalty (a) to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below 18 years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence; and (b) to observe the Safeguards guaranteeing protection of the rights of those facing the death penalty (Economic and Social Council resolution 1984/50, annex). See also the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Commission on Human Rights at its fifty-fourth session (E/CN.4/1998/68 and Add.1–3).

[14] "Federal Government Statement on the Repeal of Decrees 9 & 10 of 1994", Office of the Secretary to the Government of the Federation, Presidency, Abuja, 14 August 1998, Ref: SGF/PR/1/11.

[15] Ibid.

[16] The complaints were made by several international trade secretariats and, under ILO procedures, the Governing Body's tripartite Committee on Freedom of Association examines those complaints, with the participation of representatives of Governments and employers' and workers' associations. ILO Press Release, "Freedom of Association: ILO Mission Completes its Visit to Nigeria", 21 August 1998.

[17] *Report of the Director-General: First Supplementary Report: Observance by Nigeria of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98): appointment by the Governing Body of a Commission of Inquiry in accordance with article 26 (4) of the Constitution of the ILO – Composition of the Commission of Inquiry*, ILO Governing Body, 272nd session, Geneva, June 1998.

[18] The General Assembly, in its resolution 46/137 of 17 December 1991, stressed that "periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights (para. 3).

[19] The following international human rights standards are relevant to elections: articles 2, 73 and 76 of the Charter of the United Nations; articles 2 and 21 of the Universal Declaration of Human Rights; articles 1, 2 and 25 of the International Covenant on Civil and Political Rights; article 1 of the International Covenant on Economic, Social and Cultural Rights; articles 2 and 13, 19 and 20 of the African Charter; article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination; and article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women.

[20] General Abubakar stated, "Fellow Nigerians, we are living witnesses to past attempts made towards the attainment of democracy in our country. We are also witnesses to the painful failures of those attempts." *Address to the Nation* op. cit.

[21] Ibid.

[22] Female genital mutilation is recognized as a form of violence against women by the Declaration on the Elimination of Violence against Women (art. 2 (a)) and by the Beijing Platform for Action adopted by the Fourth World Conference on Women (para. 113 (a)). In resolution 52/99 of 12 December 1997 the General Assembly reaffirmed that traditional or customary practices affecting the health of women and girls constitute a definite form of violence against women and girls and a serious form of violation of their human rights. In resolution 1998/16 of 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities appealed to all States concerned "to intensify efforts to develop awareness of and mobilize national public opinion concerning the harmful effects of the practice of female genital mutilation, in particular through education, information and training, in order to achieve its total elimination". See also the second report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, by Mrs. Halima Embarek Warzazi, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1998/11).

[23] *National Human Rights Commission Newsletter*, 1st Edition, December 1997, p. 13.

[24] The seminar resolved as follows: that social, economic and cultural rights be accorded the same priority as civil and political rights; human rights tenets and norms are not in conflict or contradiction with policing; that court orders should be obeyed by the police until such orders are set aside; that the police excesses in crowd control or checkpoints and police stations should be curtailed; the seminar called for the strengthening of the constitutional and legal framework of the protection of the rights of the citizen; that human rights can best be protected under democratic rule and accordingly welcomes the commitment made by the present administration to protect and promote human rights and return the country to democratic civilian rule in May 1999; that adequate infrastructural facilities and logistics, including manpower, remuneration and better conditions of service, be provided for all police personnel; that police powers of arrest, detention and investigation should be exercised with restraint and in accordance with due process; that it is the duty and responsibility of every citizen to assist the police in enforcing the law; that the police should publicize the mechanism of dealing with individuals and public complaints against erring police officers/personnel; that the police should explore the potentials of police/community relations units to reduce and improve relations with members of the public; that there is a need for training and retraining of law enforcement officials to enhance performance and respect for human rights; that the training seminar has emphasized the importance of the contributions of NGOs in influencing police practices and that this needs to be encouraged to continue; and that NGOs should sensitize the public about their rights and duties towards law enforcement.